



**Department of Energy**  
Washington, DC 20585

JUL 18 2019

Emma Best  
MuckRock News  
DEPT MR 73596  
411A Highland Ave  
Somerville, MA 02144-2516

Via email: 73596-93556236@requests.muckrock.com

Re: HQ-2019-00938-F

Dear Ms. Best:

This is in response to the request for information that you sent to the Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. You requested:

Documents generated as part of the creation of the FOIA office (defined as whatever department, office, or coordinator is responsible for overseeing and/or processing FOIA requests), whether this was at the time of the agency's creation or the passage of the Freedom of Information Act, to include:

1. The instruction to do so from the Agency, as well as any guidance from the senior leadership.
  2. Documents discussing proposals and procedures.
  3. Any legal guidance or analysis produced or acquired by the Agency in response to or as part of the creation of the FOIA office.
  4. Internal documents from the press office, legislative liaison's office (or equivalent), general counsel's office (or equivalent), director's office (or equivalent) or the newly created FOIA office, reacting to or characterizing the office and its creation.
- A copy of the agency's first perfected (successful) FOIA request
  - Copies of other FOIA requests filed before the FOIA request described above
  - Processing notes, search slips and response documents regarding the FOIA requests described above
  - The first set of guidelines, instructions and/or forms created to control the agency's processing of FOIA requests
  - A copy of the agency's first successful FOIA appeal
  - Copies of other FOIA appeals received by the agency before the appeal described above
  - Processing notes, search slips and response documents regarding the FOIA appeals described above



- The first set of guidelines, instructions and/or forms created to control the agency's processing of FOIA appeals

Your request has been assigned to DOE's Office of Information Resources (MA-46), Office of the Executive Secretariat (MA-72), Office of History and Heritage Resources (MA-76), Office of Assistant General Counsel (GC), and Office of Hearings and Appeals (OHA) to conduct a search of their files for responsive documents.

DOE started its search on May 28, 2019, which is the cut-off date for responsive documents. MA-46, MA-72, MA-76, and GC have completed their search but did not locate any documents responsive to your request.

Therefore, pursuant to Title 10, Code of Federal Regulations (C.F.R.) § 1004.4(d), I am unable to provide any responsive documents for MA-46, MA-72, MA-76, and GC. Pursuant to 10 C.F.R. § 1004.7(b)(2), I am responsible for the determination that no responsive records exist in MA-46, MA-72, MA-76, and GC.

Any records which may be responsive to your request are under the jurisdiction of DOE's Office of Hearings and Appeals (OHA). For this reason, I have transferred the request to OHA to conduct a search of its files for responsive records and provide you with a response.

If you have any questions about the processing of your request under OHA, you may contact Ms. Janet Fishman, Administrative Judge at that location, at (202) 287-1566, or by mail at Office of Hearings and Appeals, 1000 Independence Ave., SW, Washington, DC, 20585.

The adequacy of the search may be appealed within 90 calendar days from your receipt of this letter pursuant to 10 C.F.R. § 1004.8. Appeals should be addressed to Director, Office of Hearings and Appeals, HG-1, L'Enfant Plaza, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585-1615. The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal by e-mail to [OHA.filings@hq.doe.gov](mailto:OHA.filings@hq.doe.gov), including the phrase "Freedom of Information Appeal" in the subject line. (This is the method preferred by the Office of Hearings and Appeals.) The appeal must contain all the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either (1) in the district where you reside, (2) where you have your principal place of business, (3) where DOE's records are situated, or (4) in the District of Columbia.

You may contact DOE's FOIA Public Liaison, Alexander Morris, FOIA Officer, Office of Public Information, at 202-586-5955, or by mail at MA-46/Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

This is the final response you will receive regarding your request from this office. You may contact Mr. Michael Snytkin in this office at MA-46/Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, or at (202) 587-6814, with any questions about this letter.

I appreciate the opportunity to assist you with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alexander C. Morris', with a long, sweeping horizontal flourish extending to the right.

Alexander C. Morris  
FOIA Officer  
Office of Public Information